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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA  
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9 RAMUNDIE O. BROWN,  
10 Petitioner,  
11 v.  
12 BRIAN DUFFY, Warden,  
13 Respondent.  
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) Case No. LA CV 14-1750 JAK (JCG)  
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**ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING CERTIFICATE OF  
APPEALABILITY, EVIDENTIARY  
HEARING, AND STAY REQUEST**

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16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the  
17 Magistrate Judge's Report and Recommendation, and the remaining record, and has  
18 made a *de novo* determination. No objections to the Report and Recommendation  
19 have been filed.

20 Accordingly, IT IS ORDERED THAT:

- 21 1. The Report and Recommendation is approved and accepted;  
22 2. Judgment be entered denying the Petition and dismissing this action  
23 with prejudice; and  
24 3. The Clerk serve copies of this Order on the parties.

25 Additionally, for the reasons set forth in the Report and Recommendation, the  
26 Court finds that Petitioner has not made a substantial showing of the denial of a  
27 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
28 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of

1 appealability.

2 Nor is Petitioner entitled to an evidentiary hearing. *See Cullen v. Pinholster*,  
3 131 S. Ct. 1388, 1398 (2011) (AEDPA “requires an examination of the state court-  
4 decision at the time it was made. It follows that the record under review is limited to  
5 the record in existence at that same time *i.e.*, the record before the state court.”).

6 Finally, in light of the above, Petitioner’s stay request is denied as moot.

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8 DATED: 8/10/15



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HON. JOHN A. KRONSTADT  
UNITED STATES DISTRICT JUDGE